



December 2, 2019

*Transmitted via electronic mail*

RE: Oppose SB 222

Dear Chair Manning, Vice Chair Brenner, Ranking Minority Member Maharath and Members of the Senate Local Government, Public Safety and Veterans Affairs Committee:

Thank you for the opportunity to comment on Senate Bill 222. Please accept these comments on behalf of the Surfrider Foundation ("Surfrider"), an environmental nonprofit dedicated to the protection and enjoyment of our coasts. Founded in 1984, the Surfrider Foundation now maintains more than one million supporters and members, with more than 170 volunteer-led chapters and clubs in the U.S., including the Surfrider Foundation Northern Ohio Chapter based in greater Cleveland. Our Northern Ohio Chapter is concerned about beaches and nearshore waters in Lake Erie and the beneficial uses they support.

As proposed, this bill would prohibit all local governments from exercising home rule authority to regulate through fees or taxes commonly littered and wasteful single-use items such as carryout bags, bottles, cans, cups, foam takeout containers, and straws. This bill also "authorizes" the use of auxiliary containers by consumers, which seemingly would also prohibit or seek to deter local governments from enacting bans on auxiliary containers.

Prohibiting local governments from enacting ordinances to curb the distribution and use of auxiliary containers ties their hands from being able to meaningfully address the litter of such items, especially considering that the state proposes no such uniform action to further abate litter and waste generated by such containers. It is also in violation of the home rule authority granted to municipalities and charter government counties through the Ohio Constitution.

Plastic pollution in particular has become an issue of global concern. Because plastics do not ever fully degrade, but instead break down into smaller and smaller pieces, the plastic materials we have consumed and discarded to this point are breaking down and

contributing to the proliferation of microplastic pollution that we then breath in and ingest – the true effects of which are not yet known. Nearly every day it seems a new study is released, a new finding shared, a new action proposed by businesses and governments to address plastic pollution. Most people are familiar with the ocean impacts at this point and the roughly 8 million metric tons of plastic – a mass greater than that of the Great Pyramid of Giza – that enters the ocean each year, especially after reports earlier this year of finding dead whales with plastic bags in their stomachs. But as the problem continues to be studied, the breadth of the problem becomes even more alarming. A French researcher published a study in April that recorded the amount of microplastics in the air in the Pyrenees Mountain range in France, far away from population centers or any industrial, commercial, or large agricultural presences. Even so, the study found a daily rate of 365 microplastic particles per square meter of air.<sup>1</sup>

In our own Great Lakes, data from cleanups organized by Alliance for the Great Lakes, a Chicago-based environmental nonprofit, show that over 85% of litter collected at their beach cleanups is partially or wholly plastic. These items include cigar tips, cigarette butts, plastic lids, food wrappers, straws, stirrers, bottles, and plastic bags.<sup>2</sup> Indeed, the Rochester Institute of Technology estimates that Lake Erie receives 5.5 million pounds of plastic trash annually.<sup>3</sup> Research shows that plastic pollution in the Great Lakes is making its way to the food chain. researchers from the University of Minnesota studied beer made with water from the Great Lakes. Of all 12 brands studied, every one of the beers was found to contain microplastics.<sup>4</sup>

How do auxiliary containers contribute to this problem? “Auxiliary containers” as broadly defined by the bill constitute 12 of the top 20 categories of items collected during the 2018 International Coastal Cleanup Day cleanups that occurred on a single day across the United States.<sup>5</sup> Auxiliary containers are among the most commonly found items littered on our coasts. Current litter and recycling laws have not been successful at preventing this waste from ending up in our environment and communities. This litter has a cost in terms of dollars and also quality of life for the communities that are impacted. Further action is required.

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<sup>1</sup> <https://www.nature.com/articles/s41561-019-0335-5>

<sup>2</sup> [https://greatlakes.org/wp-content/uploads/2018/11/AGL\\_PlasticsToolkit\\_Report\\_FINAL2.pdf](https://greatlakes.org/wp-content/uploads/2018/11/AGL_PlasticsToolkit_Report_FINAL2.pdf)

<sup>3</sup> Hoffman, Matthew J., & Hittinger, Eric (2017). Inventory and transport of plastic debris in the Laurentian Great Lakes. *Marine Pollution Bulletin, Volume 115* (1-2), 273-281.  
<https://doi.org/10.1016/j.marpolbul.2016.11.061>

• <sup>4</sup> <https://doi.org/10.1371/journal.pone.0194970>

<sup>5</sup> <https://www.coastalcleanupdata.org/reports>

A number of governments at all levels – national, state, county, and municipal – have taken action to reduce litter by enacting bans, fees, or a combination of bans and fees, on various “auxiliary containers.” Entire countries like China, India, and Ireland have carryout bag regulations. Earlier this year, Canadian Prime Minister Justin Trudeau announced that Canada will pursue a sweeping ban on a number of single-use plastic items like bags and polystyrene foam to-go containers. States, counties and cities in the United States have taken action as well, from bans on plastic bags and foam takeout containers in Mount Pleasant, South Carolina on the east coast to a statewide plastic bag ban effective for all islands in the state of Hawai’i in the far west. Even in Texas, 7 local governments from the liberal Austin to the decidedly conservative Kermit have a ban, fee, or combination regulation on carryout bags.<sup>6</sup> For fee-based regulations, some governments have opted to allow for a portion of the fee to remain with the retailer, to allow for cost recovery for any increases in cost associated with increases in paper bag distribution.

In the absence of leadership by the state on this issue, some local governments in Ohio are exercising their legal authority to take action to address plastic pollution. Cuyahoga County, Ashtabula, Orange Village, and the City of Bexley have all passed ordinances aimed at reducing waste from single-use plastic items that fall under this bill’s definition of “auxiliary containers” in the past year. **If the state wants regulatory consistency, it will need to lead action, not ignore the needs of its local governments and stomp out their authority to act.**

Surfrider concurs with a number of bill *proponents* that it makes sense for there to be state-level regulatory consistency, and to that end Surfrider would encourage the state to consider a state-level fee or ban/fee hybrid approach to regulating some of the most notoriously-littered auxiliary containers. Kristin Mullins, President / CEO of the Ohio Grocers Association, indicated that the Association would support a statewide plastic ban or regulation, depending on the bill language.<sup>7</sup> In California, the California Grocers Association actively supported the state’s plastic bag ban, and helped to shape the bill so that it worked for grocers. However, there is currently no such proposal at the state level here in Ohio, so it is important to protect the liberty and authority of local governments to determine the best way to reduce and prevent problem litter in their communities.

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<sup>6</sup> <http://www.baglaws.com/legislation.php?state=Texas>

<sup>7</sup> Fisher, Ann (Host). (2019, November 26.) Plastic Bag Bans [Radio program]. In Marylee Williams (Producer), *All Sides with Ann Fisher*. Columbus, OH: WOSU. At 47:38. <https://radio.wosu.org/post/plastic-bag-bans-0>

For these reasons, Surfrider opposes Senate Bill 222, and furthermore opposes efforts by the state to overreach and prevent litter abatement efforts by local government, and respectfully asks that committee members vote no on the bill.

Sincerely,

A handwritten signature in black ink that reads "Sarah Damron". The signature is written in a cursive, flowing style.

Sarah Damron  
Chapter Manager  
Surfrider Foundation